

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONALD SCHEINER :
Plaintiff :
:
vs. : NO.:
:
FOREMOST INSURANCE CO. :
Defendant :

NOTICE OF REMOVAL

Defendant Foremost Insurance Company Grand Rapids, Michigan (incorrectly designated as Foremost Insurance Co.)(hereinafter “Defendant”), by its undersigned counsel, hereby petition this Court as follows, pursuant to 28 U.S.C. § 1332 et seq.:

1. Defendant is a defendant in an action pending in the Pennsylvania Court of Common Pleas for Philadelphia County, May Term, 2018, No. 243 (“the State Court Action”). Defendant received a copy of the Complaint on or about May 15, 2018. A true and correct copy of the Complaint in the State Court Action without exhibits is attached hereto as Exhibit “A”.
2. Plaintiff in the State Court Action is Donald Scheiner. Plaintiff is alleged to be a citizen and resident of the Commonwealth of Pennsylvania. See Exhibit “A”.
3. Defendant is an insurance company with a principal place of business at 5600 Beech Tree Lane, Caledonia, MI 49316
4. The State Court Action is between citizens of different states.
5. Pursuant to 28 U.S.C. § 1332(a)(1), “[t]he district court shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between (1) citizens of different states.”

6. On or about May 15, 2018, Plaintiff served his complaint upon Defendant.

7. Plaintiff's State Court Action alleges that the amount in controversy is in excess of \$50,000. See Exhibit "A". Due to the allegations by Plaintiff in Plaintiff's Complaint, it is believed and therefore averred that Plaintiff is seeking to recover in excess of \$75,000 in this matter. See Exhibit "A".

8. Thus, under 28 U.S.C. § 1446(b), the initial pleading was served on or about May 15, 2018 and under 28 U.S.C. § 1446(b), Defendant may remove this action up to June 15, 2018.

9. Therefore, this Court may properly remove the State Court Action based on diversity jurisdiction.

10. 28 U.S.C. § 1441 provides for removal of state court actions where none of the defendants are citizens of the state in which the action is brought. Accordingly, because Defendant is not residents of the Commonwealth of Pennsylvania, the State Court Action may be removed to this Court.

11. This Notice has been filed with the Court within thirty (30) days after purported service of the Complaint on Defendant.

WHEREFORE, Defendant prays that the State Court Action be removed from the

Pennsylvania Court of Common Pleas for Philadelphia County to this Court for proper
and just determination.

Respectfully submitted,

FINEMAN KREKSTEIN & HARRIS, P.C.

BY 
HEMA PATEL MEHTA

BY 
LAURA A. SEIDER

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Attorneys for Defendant

Dated: May 29, 2018

CERTIFICATE OF SERVICE

I, **HEMA PATEL MEHTA, ESQUIRE**, hereby certify that a true and correct copy of the foregoing Notice of Removal was served this day, by electronic filing and/or first-class mail, upon the following individual(s):

Louis T. Silverman, Esquire
John R. Trotman, Esquire
Silverman, Trotman & Schneider, LLC
1500 Market Street, Suite 4060
Centre Square – West Tower
Philadelphia, PA 19102

Dated: May 29, 2018


HEMA PATEL MEHTA